

ADMISSIONS
MENTAL ILLNESS, SUBSTANCE ABUSE,
MENTAL RETARDATION

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ADMISSIONSMENTAL ILLNESS, SUBSTANCE ABUSE, MENTAL RETARDATION

This chapter covers the policies governing the admission of persons to the state mental health institutes and the state hospital-schools. The superintendents of these facilities are responsible for seeing that all admissions are within the scope of the law. There are several legal methods of admitting persons. For the protection of the civil rights of the person being admitted, it is important that admissions only be made as provided by law.

LEGAL BASE

The policies and procedures in this Chapter are based upon the following:

- A. Chapter 125, Code of Iowa, Chemical Substance Abuse
- B. Chapter 218, Code of Iowa, Government of Institutions
- C. Chapter 222, Code of Iowa, Mentally Retarded Persons
- D. Chapter 225B, Code of Iowa, Unified State Mental Health Agency
- E. Chapter 226, Code of Iowa, State Mental Health Institutes
- F. Chapter 229, Code of Iowa, Hospitalization of Mentally Ill Persons
- G. Chapter 230, Code of Iowa, Support of the Mentally Ill
- H. Iowa Administrative Code - IAC 770, Chapters 28 & 82

CATCHMENT AREAS*Policy*

The state director shall establish catchment areas for each institution under the division's direction.

Comment

Catchment areas are established to try and balance the population of the state served by each institution. Geographic distance is also considered but is not the primary determinate. The Code requires the director to "divide the state into districts from which the several institutions may receive inmates." Exceptions to the catchment areas can be made as provided below.

Pertinent legal reference: Section 218.19, Code of Iowa.

Procedure

The director determines the catchment area for each institution and provides written notification to each district court, the county boards of supervisors, the county auditors and the clerks of court.

ADMISSIONSMENTAL ILLNESS, SUBSTANCE ABUSE, MENTAL RETARDATIONCATCHMENT AREAS (cont'd)Assigned Catchment Areas*Policy*

The catchment areas for each institution shall be made up of the following counties:

A. Cherokee	Buena Vista	Franklin	Marshall	Sioux
	Calhoun	Hamilton	Monona	Story
	Cerro Gordo	Hancock	O'Brien	Webster
	Cherokee	Hardin	Osceola	Winnebago
	Clay	Humboldt	Palo Alto	Woodbury
	Crawford	Ida	Plymouth	Worth
	Dickinson	Kossuth	Pocahontas	Wright
	Emmet	Lyon	Sac	
B. Clarinda:*	Adair	Dallas	Madison	Shelby
	Adams	Decatur	Mills	Taylor
	Audubon	Fremont	Montgomery	Union
	Boone	Green	Page	Warren
	Carroll	Guthrie	Polk	Wayne
	Cass	Harrison	Pottawattamie	
	Clarke		Ringgold	
C. Independence:		Allamakee	Clayton	Jackson
		Benton	Delaware	Jones
		Black Hawk	Dubuque	Linn
		Bremer	Fayette	Mitchell
		Buchanan	Floyd	Tama
		Butler	Grundy	Winneshiek
		Chickasaw	Howard	
D. Mt. Pleasant:*		Appanoose	Jefferson	Monroe
		Cedar	Johnson	Muscatine
		Clinton	Keokuk	Poweshiek
		Davis	Lee	Scott
		Des Moines	Louisa	Van Buren
		Henry	Lucas	Wapello
		Iowa	Mahaska	Washington
		Jasper	Marion	

*For children and adolescents, the Clarinda catchment area is attached to Cherokee and for Mt. Pleasant is attached to Independence.

ADMISSIONSMENTAL ILLNESS, SUBSTANCE ABUSE, MENTAL RETARDATIONCATCHMENT AREAS (cont'd)Assigned Catchment Areas (cont'd)*Policy* (Cont'd)

E. Glenwood	Adair	Decatur	Lee	Pottawattamie
	Adams	Des Moines	Linn	Ringgold
	Appanoose	Fremont	Louisa	Sac
	Audubon	Green	Lucas	Scott
	Benton	Guthrie	Lyon	Shelby
	Carroll	Harrison	Mahaska	Sioux
	Cass	Henry	Mills	Taylor
	Cedar	Ida	Monona	Union
	Cherokee	Iowa	Monroe	Van Buren
	Clark	Jefferson	Montgomery	Wapello
	Clinton	Johnson	Muscatine	Washington
	Crawford	Jones	Page	Wayne
	Davis	Keokuk	Plymouth	Woodbury
F. Woodward	Allamakee	Dallas	Howard	Pocahontas
	Black Hawk	Delaware	Humboldt	Polk
	Boone	Dickinson	Jackson	Poweshiek
	Bremer	Dubuque	Jasper	Story
	Buchanan	Emmet	Kossuth	Tama
	Buena Vista	Fayette	Madison	Warren
	Butler	Floyd	Marion	Webster
	Calhoun	Franklin	Marshall	Winnebago
	Cerro Gordo	Grundy	Mitchell	Winneshiek
	Chickasaw	Hamilton	O'Brien	Worth
	Clay	Hancock	Osceola	Wright
	Clayton	Hardin	Palo Alto	

Comment

Pertinent legal reference: Section 218.19, Code of Iowa.

Voluntary Applications*Policy*

Application for admission shall be made to the institution in the catchment area within which the person resides, unless the person is on leave from an institution, in which case, application will be made to that institution.

Comment

A person's residence is defined as the place where the person is currently

ADMISSIONSMENTAL ILLNESS, SUBSTANCE ABUSE, MENTAL RETARDATIONCATCHMENT AREAS (cont'd)Voluntary Applications (cont'd)*Comment* (cont'd)

living. Residence is not to be confused with a person's legal settlement or domicile. Specific application procedures are found later in this Chapter.

Pertinent legal reference: Section 218.19, Code of Iowa.

Court Commitments*Policy*

A court commitment shall be made to the institution within the catchment in which the court is located.

Comment

Pertinent legal reference: Sections 218.20 and 222.31(3), Code of Iowa.

Exceptions*Policy*

The state director will give consideration to exceptions to the catchment areas when requested by either the person being admitted or the committing court. The director shall either grant or deny the exception within 48 hours from receipt of the request.

Comment

Decisions on exceptions are based on what is clinically best for the person being admitted. Distance to the institution alone is not adequate reason for an exception. An exception would be granted when the service needed was available in an institution in another catchment area.

Pertinent legal reference: Section 218.20, Code of Iowa.

Procedure

- A. A person or someone acting in his/her behalf, wishing an exception shall make his/her request directly to the state director either in writing or by telephone.
- B. The state director shall clear the request with the institution within the appropriate catchment area and the institution to which the person wishes to be admitted. This clearance will determine whether the first

ADMISSIONSMENTAL ILLNESS, SUBSTANCE ABUSE, MENTAL RETARDATIONCATCHMENT AREAS (cont'd)Exceptions (cont'd)*Procedure* (cont'd)

institution has any objections to the placement in another catchment area and whether the proposed receiving institution has an appropriate program and adequate space.

- C. The state director shall notify the person requesting the exception of approval or disapproval. The decision will be confirmed in writing to the receiving institution.

VOLUNTARY/MENTALLY ILL*Policy*

Any person may apply to the mental health institute in his/her catchment area for voluntary admission for treatment of a mental illness.

Comment

Persons who believe they are suffering from a mental illness have the right to seek treatment. The hospital will determine whether actual admission is appropriate and has the right to deny admission if the person is determined not mentally ill.

Pertinent legal reference: Sections 229.2, 229.41 and 229.42, Code of Iowa. Iowa Administrative Code 770, Chapter 28.

Procedure

- A. The person applying must complete an "Application for Voluntary Admission to a Mental Health Institute", form MH-1101-0 and submit the application to the hospital in their catchment area. If a person applying is a minor, an "Application for Voluntary Admission (under 18 years of age) to a Mental Health Institute" form MH-1102-0 must be signed by the minor's parent, guardian or custodian.
- B. Upon the Hospital's receipt of the application, the person is examined by a hospital physician to determine whether the person is in need of hospitalization. If such is needed, the person is admitted.
- C. Upon admission, the person being admitted must sign forms MH-2203-0 "Authorization to Release Information for Settlement", MH-2101-0 "Consent to Treatment".

ADMISSIONSMENTAL ILLNESS, SUBSTANCE ABUSE, MENTAL RETARDATION**VOLUNTARY/MENTALLY ILL** (cont'd)**Voluntary/Non-Self Pay***Policy*

Any person wishing to make application for voluntary admission to a hospital who is not able to pay the full cost of care must make application for authorization of voluntary admission to a Clerk of Court before making application to the hospital.

Comment

A person's county of legal settlement is responsible for the cost of care when the person is unable to pay the total cost of their own care. The Code contains a process for determining and certifying the county of legal settlement. Normally, the application will be filed with the Clerk in the County of residence. The responsibility for the process starts with the Clerk of Court. The Clerk of Court should explain the persons financial liability under Section 230.15, Code of Iowa, at the time of application. See the policy section later in this Chapter dealing with legal settlement for more detail.

Pertinent legal reference: Section 229.42, Code of Iowa

Procedure

The person wishing to be admitted, or a person acting on their behalf, makes application to the Clerk of Court on form "Authorization for Voluntary Admission to a Public Hospital", MH-1103-0.

If a person appears at the hospital for admission without a completed MH-1103-0, the hospital will determine if admission is necessary, and immediately notify the appropriate Clerk of Court. The hospital has the patient sign form MH-1103-0 and forwards it to the appropriate Clerk of Court for completion.

Voluntary/Self Pay*Policy*

A person wishing to make application for voluntary admission to a hospital who is able to pay the full cost of care shall make application directly to the hospital.

Comment

The application to the Clerk of Court for determination of legal settlement is not necessary.

Pertinent legal reference: Section 229.41, Code of Iowa.

ADMISSIONSMENTAL ILLNESS, SUBSTANCE ABUSE, MENTAL RETARDATIONVOLUNTARY/MENTALLY ILL (cont'd)Voluntary/Self Pay (cont'd)Pay in Advance*Policy*

All persons admitted on a voluntary self pay basis shall pay for their care weekly in advance.

Comment

The Code provides for advance payment. Persons whose health insurance will pay in full for their care must still pay in advance. Any health insurance payments collected by the hospital are then paid back to the patient.

Pertinent legal references: Section 2291.41, Code of Iowa and Iowa Administrative Code 770-28.2(3).

Procedure

Payment is made to the institution's business office.

Cost Determined

The monthly cost for self pay shall be determined by multiplying the most recent billing per-diem rate, for the program the person is admitted to, by 30. The weekly charge shall be determined by dividing the monthly cost by 4.3 and multiplying the result by 80%.

Comment

Per-diem rates are calculated for specific programs within the hospital. The cost is based on the type of program to which the person is admitted.

Pertinent legal reference: Section 229.41, Code of Iowa and Iowa Administrative Code 770-28.2(3).

Prescreening*Policy*

When the board of supervisors has established a prescreening requirement, as

ADMISSIONSMENTAL ILLNESS, SUBSTANCE ABUSE, MENTAL RETARDATIONVOLUNTARY/MENTALLY ILL (cont'd)Prescreening (cont'd)*Policy* (cont'd)

provided in Section 225B.5, Code of Iowa, and the hospital has been notified in writing of the requirements, the hospital will not admit a person who has not complied with the requirements other than on an emergency basis.

Comment

The hospitals have an obligation to support the local communities in the use of the prescreening process.

Pertinent legal reference: Section 225B.5, Code of Iowa.

INVOLUNTARY/MENTALLY ILL*Policy*

The hospital shall admit any person found to be seriously mentally impaired and ordered hospitalized by a district court on an involuntary basis.

Comment

The court order requiring the person to be admitted is sufficient reason to admit the person. The court has the responsibility of assuring that proper legal procedures are followed.

The application for involuntary admission must be made to the Clerk of Court. The district court judge or a Judicial Hospitalization Referee reviews the application and sets the date for a hearing. The court also orders the person be examined by a physician.

Pertinent legal reference: Sections 229.6, 7, 8, 9, 10, 11, 12, & 13.

Consent to Treatment*Policy*

A person involuntarily committed shall be asked to give his/her consent for the hospital to perform such medical procedures and to administer such drugs as, in the hospital's judgment, are necessary for evaluation and treatment. If the person refuses to give his/her consent, the next of kin shall be asked to give consent. In the absence of consent by either the person or the next of kin, the court shall be asked to issue an order for treatment.

ADMISSIONSMENTAL ILLNESS, SUBSTANCE ABUSE, MENTAL RETARDATIONINVOLUNTARY/MENTALLY ILL (cont'd)Consent to Treatment (cont'd)*Policy* (cont'd)

A committed person must give his/her consent to treatment. Without this consent, the hospital is authorized only to detain the person or take action necessary to protect the life of the person or to protect the safety of others.

Pertinent legal reference: Section 229.23, Code of Iowa.

Procedure

Consent for the hospital to perform necessary procedures is given on form "Consent to Treatment", MH-2101-0, or by court order.

Involuntary Hold/Immediate Custody*Policy*

The hospital shall accept for admission any person ordered to the hospital by the district court for a five-day hold period.

Comment

A person making application for involuntary commitment of another person can request the court to order the person be taken into immediate custody. The court may order the person into immediate custody if necessary but when custody is ordered, a hearing must be held within five (5) days.

Pertinent legal reference: Section 229.11, Code of Iowa.

Consent to Treatment*Policy*

No person admitted for a five-day hold shall be treated without their consent unless it is necessary to protect their life or for the safety of others.

Comment

Pertinent legal reference: Section 229.11(2), Code of Iowa.

Procedure

Consent is given by signing "Consent to Treatment", MH-2101-0.

ADMISSIONSMENTAL ILLNESS, SUBSTANCE ABUSE, MENTAL RETARDATIONINVOLUNTARY/MENTALLY ILL (cont'd)Emergency Hospitalization*Policy*

The hospital shall accept for emergency hospitalization any person brought to the facility by a peace officer or any other person who believes that the person is seriously mentally ill and because of that illness is likely to physically injure himself/herself or others if not immediately detained.

Comment

The policy is available for the protection of a person who is likely to harm himself/herself, and the Clerk of Court's office is closed.

Pertinent legal reference: Section 229.22, Code of Iowa.

Procedure

- A. When the person arrives at the hospital, the Chief Medical Officer shall examine the person to determine whether admission is necessary.
- B. The Chief Medical Officer obtains information from the peace officer or other person on the circumstances of the situation.

Magistrate Contacted*Policy*

As soon as admission is determined as necessary, the hospital shall contact the nearest available magistrate and ask that an order be issued for the person to be detained.

Comment

The hospital must have the approval of the magistrate to detain the person in the hospital.

Pertinent legal reference: Section 229.22(2), Code of Iowa.

Procedure

- A. The nearest available magistrate is called and informed of the emergency admission.
- B. The magistrate can either immediately come to the facility or, between the hours of midnight and 7 a.m., give a verbal order on the telephone and then go to the facility by 8 a.m.
- C. The magistrate determines whether the person is to be held and issues the appropriate order.

ADMISSIONSMENTAL ILLNESS, SUBSTANCE ABUSE, MENTAL RETARDATIONINVOLUNTARY/MENTALLY ILL (cont'd)Emergency Hospitalization (cont'd)Treatment Ordered*Policy*

The Chief Medical Officer may order treatment for the person, including chemotherapy, but only to the extent necessary to preserve the person's life or appropriately control any behavior likely to result in physical injury to that person or others if allowed to continue.

Comment

The only treatment the hospital can give is that necessary to protect the person or others from physical injury.

Pertinent legal reference: Section 229.22(2), Code of Iowa.

Detained for 48 Hours*Policy*

No person shall be detained in the hospital for a period exceeding 48 hours, excluding Saturdays, Sundays, and holidays, unless an application for involuntary hospitalization is filed with the Clerk of Court.

Comment

A person admitted as an emergency case can sign themselves in as a voluntary patient after the 48 hours has expired. If they don't and an application under 229.6 has not been filed, the person must be released.

Pertinent legal reference: Section 229.22(4), Code of Iowa.

ADMISSIONSMENTAL ILLNESS, SUBSTANCE ABUSE, MENTAL RETARDATIONINVOLUNTARY/MENTALLY ILL (cont'd)Emergency Hospitalization (cont'd)Consent to Treatment*Policy*

No person admitted on an emergency basis shall be provided treatment other than that necessary to preserve their life, or to control behavior that is likely to injure himself/herself or others, without the consent of the person admitted.

Comment

The person has the right to refuse treatment.

Pertinent legal reference: Section 229.22(4), Code of Iowa.

Procedure

The person gives consent by signing form "Consent to Treatment", MH-2101-0.

Return From Alternative Placement or Convalescent Leave*Policy*

The hospital shall accept and admit a person on alternative placement who is determined to need rehospitization.

Comment

The hospital can place involuntary mental patients in other public or private facilities, with court approval. The hospital has a continuing responsibility for the person. In the event the person needs rehospitization, the hospital has the responsibility to provide the service. The return is handled as an admission.

Pertinent legal references: Sections 229.14(4) and 229.15(4), Code of Iowa.

Procedure

Return from alternative placement is requested by the facility in which the person was placed. The facility administrator submits a written report from the attending physician of the facility indicating the reason why the person needs a higher level of care. Return from convalescent leave is requested by the hospital or the sponsor. Upon return of the person, the hospital notifies, by letter the court of commitment and sends the Clerk of Court form MH-5202-2, "Subsequent History."

ADMISSIONSMENTAL ILLNESS, SUBSTANCE ABUSE, MENTAL RETARDATION**VOLUNTARY/SUBSTANCE ABUSE***Policy*

Any resident of the state may apply directly to a hospital for admission for treatment of substance abuse.

Comment

Substance abusers who cannot pay the full cost of care do not apply to the Clerk of Court. The person making application for admission goes directly to the hospital.

Pertinent legal reference: Section 125.33, Code of Iowa.

Procedure

The person wishing to apply signs from MH-1104-3, "Application for Voluntary Admission-Substance Abuse; form MH-2203-0, "Authorization to Release Information for Settlement" form MH-2101-0, "Consent to Treatment"; MH-2201-0, "Written Consent for Release of Confidential Information".

When a parent or guardian is applying for a minor, forms MH-1105-3, "Application for Voluntary Admission-Substance Abuse - Under Age 18", MH-2203-0, "Authorization to Release Information for Settlement" may be signed by the parent or the guardian.

When the person applying is paying the full cost of care they do not have to sign MH-2203-0.

Approval of Chief Medical Officer*Policy*

The person making application shall not be admitted without the approval of the Chief Medical Officer.

Comment

A physician must determine that the applicant is in need of hospitalization.

Notice to Auditor and Board of Supervisors*Policy*

With the consent of the person admitted, notice will be given to the Auditor of the county of legal settlement and Board of Supervisors.

ADMISSIONSMENTAL ILLNESS, SUBSTANCE ABUSE, MENTAL RETARDATION**VOLUNTARY/SUBSTANCE ABUSE** (cont'd)**Notice to Auditor and Board of Supervisors** (cont'd)*Comment*

The county of legal settlement is liable for the cost of care. If the person is a state case or self-pay, this notice is not required.

Pertinent legal reference: Sections 125.43 and 444.12(d), Code of Iowa

Procedure

The person gives consent by signing form MH-2203-0, "Authorization to Release Information for Settlement". Notice is given to the Auditor using form MH-5202-0, "Subsequent History".

Prescreening*Policy*

When a board of supervisors has established a prescreening requirement, as provided in Section 225B.5, Code of Iowa, and the hospital has been notified in writing of the requirements, the hospital will not admit a person who has not complied with the requirements other than on an emergency basis.

Comment

The hospitals have an obligation to support the local communities in the use of the prescreening process.

Pertinent legal reference: Section 225B.5, Code of Iowa.

Disclosure of Person Admitted*Policy*

No staff person of the hospital shall report or disclose the name of the person admitted or the fact that treatment was requested or undertaken to any law enforcement officer or law enforcement agency without written consent of the person admitted.

Comment

The Code prohibits the release of information without the person's consent.

Pertinent legal reference: Section 125.33(3), Code of Iowa.

ADMISSIONSMENTAL ILLNESS, SUBSTANCE ABUSE, MENTAL RETARDATIONVOLUNTARY/SUBSTANCE ABUSE (cont'd)Disclosure of Person Admitted (cont'd)*Procedure*

Consent can be given by the person admitted by signing form MH-2201-0, "Written Consent for Release of Confidential Information".

Minor Seeking Treatment*Policy*

When the person seeking treatment is a minor who has personally made application for treatment, the fact that the minor sought treatment shall not be reported or disclosed to the parents or legal guardian of such minor without the minor's consent. The minor may give legal consent to receive treatment.

Comment

A minor may seek treatment without the consent or knowledge of his/her parent or guardian. A minor is admitted in the same manner as an adult.

Pertinent legal reference: Section 125.33(1), Code of Iowa.

INVOLUNTARY/SUBSTANCE ABUSEIntoxicated Person*Policy*

An intoxicated person may come voluntarily to a hospital for emergency treatment of substance abuse or a person who appears intoxicated or incapacitated by a chemical substance may be taken to a hospital by a peace officer.

Comment

This provides for the emergency protection of a person.

Pertinent legal reference: Section 125.34, Code of Iowa.

Procedure

The person being admitted must sign MH-11106-02, "Application for Admission of an Incapacitated/Intoxicated Person"; MH-23101-0, "Consent to Treatment; and when not self-pay, MH-2203-0, "Authorization to Release Information for Legal Settlement".

ADMISSIONSMENTAL ILLNESS, SUBSTANCE ABUSE, MENTAL RETARDATIONINVOLUNTARY/SUBSTANCE ABUSE (cont'd)Intoxicated Person (cont'd)Preadmission Examination*Policy*

Before admission the person shall be examined by a physician to determine whether they are intoxicated or incapacitated by a chemical substance.

Comment

A physician must determine whether the person needs to be admitted.

Pertinent legal reference: Section 125.34(3), Code of Iowa.

Required to Stay at Hospital*Policy*

When the physician finds the person to be intoxicated or incapacitated by a chemical substance the person shall be required to remain at the hospital until a physician determines that the person is not likely to inflict physical self harm or inflict physical harm on others.

Comment

Pertinent legal reference: Section 125.34(4), Code of Iowa.

Detention Longer than 24 Hours*Policy*

If the person is detained longer than 24 hours, the person shall be examined by a qualified health professional at least once every 12 hours to determine if further detention is necessary. If further detention is necessary, continued detention and treatment can be provided only if:

1. The person voluntarily consents to treatment, or
2. Proceedings under Section 125.34(4), Code of Iowa, are commenced by filing an order in the district court.

Comment

Pertinent legal reference: Section 125.34(4), Code of Iowa.

ADMISSIONSMENTAL ILLNESS, SUBSTANCE ABUSE, MENTAL RETARDATIONINVOLUNTARY/SUBSTANCE ABUSE (cont'd)Emergency Commitment*Policy*

The hospital shall accept for admission to the facility any person committed for emergency treatment of substance abuse when written application is directed to the superintendent and the superintendent determines that commitment is necessary because the intoxicated person has threatened, attempted, or inflicted physical self harm or threatened, attempted or inflicted physical harm on another or is likely to inflict physical self harm or is likely to physically harm others.

Comment

Application or commitment can be made by a Judge, Hospitalization Referee, physician, spouse, guardian, relative or any other responsible person.

Pertinent legal reference: Sections 125.35(2) & 229.52(1), Code of Iowa.

Procedure

The person making application must:

1. Complete form MH-1109-0, "Application for Emergency Commitment of a Substance Abuser", or
2. Direct a signed, dated letter to the hospital superintendent stating the reason why the person should be committed.

A copy of the application shall be given to the person upon admission.

Right to Attorney*Policy*

The person admitted shall be informed of their right to an attorney at the time of admission and be given a reasonable opportunity to consult with counsel.

Comment

Pertinent legal reference: Section 125.35(6), Code of Iowa.

ADMISSIONSMENTAL ILLNESS, SUBSTANCE ABUSE, MENTAL RETARDATIONINVOLUNTARY/SUBSTANCE ABUSE (cont'd)Emergency Commitment (cont'd)Consent to Treatment*Policy*

Before treatment is administered after admission, the person admitted shall give consent to treatment unless it is necessary to preserve the person's life or to protect others.

Comment

Pertinent legal reference: Section 125.38(3), Code of Iowa.

Procedure

Consent is given by signing MH-2101-0, "Consent to Treatment".

MH-2201-0. "Written Consent for Release of Confidential Information", is signed before information is provided to a referring agency.

Detention Limit*Policy*

No person committed as an emergency substance abuser shall be detained longer than five (5) days without further court action which authorizes the detaining of the person.

Comment

This type of commitment is for a maximum of five (5) days. The person can be released sooner if it is determined there is no likelihood of self-harm or harm to others. At the end of the period, the person can voluntarily admit himself/herself.

Pertinent legal reference: Section 125.35(5), Code of Iowa.

Reason for Commitment No Longer Exists*Policy*

If, prior to the expiration of five (5) days, the superintendent determines the reason for commitment no longer exists, the person shall be discharged from the commitment.

ADMISSIONSMENTAL ILLNESS, SUBSTANCE ABUSE, MENTAL RETARDATIONINVOLUNTARY/SUBSTANCE ABUSE (cont'd)Emergency Commitment (cont'd)Reason for Commitment No Longer Exists (cont'd)*Comment*

Pertinent legal reference: Section 125.35(5), Code of Iowa.

Court Commitment*Policy*

The hospital shall accept for admission any person committed by district court for treatment of substance abuse.

Comment

A petition for commitment can be filed with the district court by the person's spouse, guardian, a relative a certifying physician or the administrator of a substance abuse facility.

Pertinent legal reference: Sections 229.51 and 229.52, Code of Iowa.

Procedure

Upon admission the person must sign MH-2101-0, "Consent to Treatment".

30 Day Limit*Policy*

A person committed shall remain in the custody of the hospital for no longer than 30 days unless before the end of the 30 days, the superintendent petitions the court for an order for the person to be re-committed.

Comment

The person can be discharged before the 30 days are up. If a petition is not filed for re-commitment before the end of 30 days, the person is automatically discharged.

Pertinent legal reference: Section 229.52(3), Code of Iowa.

ADMISSIONSMENTAL ILLNESS, SUBSTANCE ABUSE, MENTAL RETARDATIONINVOLUNTARY/SUBSTANCE ABUSE (cont'd)90 Day Limit*Policy*

A person re-committed after petition by the superintendent shall remain in the custody of the hospital no longer than an additional 90 days unless before the end of the 90 days, the superintendent petitions the court for an order for the person's re-commitment.

Comment

The person can be discharged before the 90 days are up. If a petition is not filed for re-commitment before the end of 90 days, the person is automatically discharged. This 90 day commitment process can be repeated as many times as necessary.

Pertinent legal reference: Sections 229.53(3) and (4), Code of Iowa.

OMVUI*Policy*

A person ordered by the district court to the hospital for treatment as the result of an OMVUI conviction shall be accepted for admission.

Comment

The court may prescribe the length of time the person is to be admitted for treatment or request that the hospital report to the court when maximum benefits have been received.

Pertinent legal reference: Section 321.281(3), Code of Iowa.

Treatment Without Consent*Policy*

Treatment can be provided without the person's consent.

Comment

The hospital will attempt to obtain consent to treatment before treatment is started. However, an order under Section 321.281 is for treatment, so consent is not legally necessary.

ADMISSIONSMENTAL ILLNESS, SUBSTANCE ABUSE, MENTAL RETARDATIONOMVUI (cont'd)Treatment Without Consent (cont'd)

Comment (cont'd)

Pertinent legal reference: Section 321.281.

Procedure

Consent is given by signing MH-2101-0, "Consent to Treatment".

30 DAY EVALUATION/JUVENILE COURT

Policy

A mental health institute shall accept for admission any minor ordered by the district court to the hospital for an evaluation for a period not to exceed 30 days.

Comment

Under no circumstances can the minor remain in the hospital for a longer period without voluntarily admitting him/her self or being committed under Chapter 229, Code of Iowa. This policy does not apply to admission to the state hospital-schools.

Pertinent legal reference: Sections 232.49 and .98, Code of Iowa.

INVOLUNTARY/JUVENILE COURT

Policy

In a juvenile court action to involuntarily commit a minor to a mental health institute, under Chapter 229, Code of Iowa, the policies and procedures for mental illness-involuntary commitment shall apply.

Comment

This policy is based on the Attorney General's Opinion, Fortney to Jackson, July 5, 1979.

Pertinent legal reference: Sections 232.51 and .52, Code of Iowa.

ADMISSIONSMENTAL ILLNESS, SUBSTANCE ABUSE, MENTAL RETARDATIONVOLUNTARY OUTPATIENT/MENTALLY ILL*Policy*

The hospital may provide outpatient treatment to a person who requests such Treatment includes diagnosis, chemotherapy and counseling.

Comment

The hospital can provide outpatient services on an optional basis. The decision can be based on the availability of outpatient treatment in the person's home community. The actual services provided will be determined by each hospital.

Procedure

The person requests outpatient service by signing MH-1110-0, "Application for Treatment as an Outpatient/Day Patient".

If the person is non-self supporting, he/she must go to the Clerks Office and sign MH-1103-0, "Authorization for Voluntary Admission to a Public Hospital", and MH-2203-0, "Authorization to Release Information for Settlement". If the person seeking treatment is a minor, his/her parents or guardian must also sign.

INVOLUNTARY OUTPATIENT/MENTALLY ILL*Policy*

The hospital shall accept for outpatient treatment any person ordered to the hospital for such treatment by a district court.

Comment

The chief medical officer of the hospital may request the court to issue such an order.

Pertinent legal reference: Section 229.14(3), Code of Iowa.

Fail to Submit to Treatment*Policy*

If the person fails to submit to treatment as ordered, the chief medical officer shall notify the court for a determination as to whether the person should be involuntarily hospitalized.

ADMISSIONSMENTAL ILLNESS, SUBSTANCE ABUSE, MENTAL RETARDATIONINVOLUNTARY OUTPATIENT/MENTALLY ILL (cont'd)Fail to Submit to Treatment (cont'd)*Comment*

Pertinent legal reference: Section 229.15(2), Code of Iowa.

VOLUNTARY/MENTALLY RETARDED*Policy*

A parent, guardian, or other person responsible for a person believed to be mentally retarded, who wishes to make application for admission of that person to a state hospital-school for either inpatient or outpatient care, treatment or evaluation shall make application to the county board of supervisors. The board of supervisors shall be responsible for making application to the state hospital-school.

Comment

The Code of Iowa requires that all applications regardless of legal settlement be made through a county board of supervisors. This requirement is because the county of legal settlement is financially responsible for a portion of the cost of care for residents at the hospital-schools. The procedure assures that the county is aware of the possible admission. There are no legal provisions for anyone else making an application directly to the hospital-schools.

The following policies and procedures apply to application for both inpatient and outpatient services.

Pertinent legal reference: Section 222.13, Code of Iowa.

Procedure

- a. New Admission - For a first time admission, the board of supervisors making application shall complete and submit to the hospital-school:
 1. Form MR-1101, Application for service to State Hospital-school.
 2. Form MR-1301, Physicians Report.
 3. Form MR-1302, Social Case History Outline.
 4. Form-1401, Consent and Agreement Authorization.
 5. A full-length picture of the person for whom application is made.
 6. Other information specifically requested in writing by the hospital-school.

ADMISSIONSMENTAL ILLNESS, SUBSTANCE ABUSE, MENTAL RETARDATION**VOLUNTARY/MENTALLY RETARDED** (cont'd)

- b. Readmissions - For subsequent admissions, the board of supervisors making application shall complete and submit the hospital-school:
1. Form MR-1101, Application for Services to State Hospital-School.
 2. An interim social history update using Form MR-1302, Social Case History Outline.
 3. Other information specifically requested in writing by the hospital-school.

County of Application*Policy*

Application shall be made to the county board of supervisors of either the person's, for whom application is being made, county of legal settlement or county of residence.

Comment

Application does not have to be made to the county of legal settlement. Not everyone will be living in the same county. The Code of Iowa, (Section 222.63) provides for the county of application to determine legal settlement and give proper notice if it is a different county. If the person doesn't have legal settlement in Iowa, application is made in the county of residence.

Pertinent legal reference: Section 222.13, Code of Iowa.

Application Signed*Policy*

The application submitted to the hospital-school shall be signed by the chairman of the board of supervisors of the county wherein application is made unless the person, for whom application is made, has no county of legal settlement, in which case the application shall be signed by the state director.

Comment

Pertinent legal reference: Section 222.13, Code of Iowa.

ADMISSIONSMENTAL ILLNESS, SUBSTANCE ABUSE, MENTAL RETARDATION**VOLUNTARY/MENTALLY RETARDED** (cont'd)**Application Signed** (cont'd)*Procedure*

The application is initiated by the agency or person designated by the board of supervisors to process their application for them. This is normally the local office of the department. Once completed, and signed by the board, the application is sent to the hospital-school.

If the person, for whom application is made, has no county of legal settlement, the application is sent to the state director for approval prior to being sent to the hospital-school. After approval by the state director, the form is sent by the state director to the hospital-school.

Preadmission Diagnostic Evaluation*Policy*

Upon receipt of a signed application the hospital-school shall determine whether a preadmission diagnostic evaluation is required.

Comment

The Code of Iowa requires that the need for admission be confirmed by a preadmission diagnostic evaluation. A prior evaluation done by the hospital-school can be used to meet this requirement for subsequent admissions. The evaluation is done by the hospital-school and may require that the person be admitted as an inpatient for an evaluation period.

Pertinent legal reference: Sections 222.5 and 222.13, Code of Iowa.

Evaluation Scheduled*Policy*

When the hospital-school determines that a preliminary diagnostic evaluation is required, an appointment for an evaluation shall be scheduled.

Comment

The hospital-school is responsible for working with whomever is involved in the application process to arrange for an evaluation. The evaluation

ADMISSIONSMENTAL ILLNESS, SUBSTANCE ABUSE, MENTAL RETARDATIONVOLUNTARY/MENTALLY RETARDED (cont'd)Preadmission Diagnostic Evaluation (cont'd)Evaluation Scheduled (cont'd)*Comment* (cont'd)

should be done as soon as possible but will be scheduled as the resources of the hospital-school permits.

Pertinent legal reference: Section 222.13, Code of Iowa.

Admission For Evaluation*Policy*

When it is determined that the preadmission diagnostic evaluation needs to be done on an inpatient basis, the hospital-school may admit the person for a limited period of time.

Comment

The hospital-school will determine whether the evaluation needs to be done on an inpatient basis or if it can be done as an outpatient. An admission for evaluation is a time limited admission and is no guarantee of admission into the regular program.

Pertinent legal reference: Section 222.13, Code of Iowa.

Diagnostic Evaluation*Policy*

Upon receipt of an application, the hospital-school may admit a person for a time limited period for a diagnostic evaluation for purpose other than admission into the hospital-school regular care and treatment program.

Comment

As hospital-school resources permit evaluations can be done for local agencies to assist them in planning for the person being evaluated. This is a time limited admission only for the period of evaluation.

Pertinent legal reference: Section 222.13, Code of Iowa.

ADMISSIONSMENTAL ILLNESS, SUBSTANCE ABUSE, MENTAL RETARDATIONVOLUNTARY/MENTALLY RETARDED (cont'd)Diagnostic Evaluation (cont'd)*Procedure*

Application has to be made in the usual way through a county board of supervisors.

Outpatient Services*Policy*

A hospital-school may provide outpatient treatment or evaluation services upon receipt of an application for such.

Comment

The hospital-schools primary service is inpatient treatment. When resources permit and the service would not otherwise be available outpatient services can be provided. The decision is at the option of the hospital-school.

Pertinent legal reference: Section 227.13, Code of Iowa.

Procedure

Application for outpatient services is made using the same procedures as for admission for inpatient care.

Application Denied*Policy*

The hospital-school shall deny an application for admission whenever it is determined that:

- a. The person for whom application is made is not mentally retarded; or
- b. The person for whom application is made can have their identified service needs met through an available community based program; or
- c. The hospital-school does not have adequate facilities available or if acceptance of the person will result in an overcrowded condition.

ADMISSIONSMENTAL ILLNESS, SUBSTANCE ABUSE, MENTAL RETARDATION**VOLUNTARY/MENTALLY RETARDED** (cont'd)**Application Denied** (cont'd)*Comment*

The purpose of the hospital-schools is to provide treatment, training, instruction, care, habilitation and support of mentally retarded persons. Persons who are not mentally retarded cannot be admitted. When a person is mentally retarded, community based services, when available, are the treatment of choice over institutional care.

Pertinent legal reference: Section 222.13, Code of Iowa.

Denial Appealed*Policy*

Whenever an application is denied, an appeal of the decision can be made to the state director by either the person(s) who requested the board of supervisors to make application or the board of supervisors who made application.

Comment

Upon receipt of an appeal, the state director will review the decision of the hospital-school and notify the person filing the appeal as to whether the original decision is sustained, modified or reversed. This policy provides a next level review of the hospital-school's decision.

Pertinent legal reference. Sections 217.11 and 12, Code of Iowa.

INVOLUNTARY/MENTALLY RETARDED*Policy*

At the request of the district court, the superintendent shall conduct an evaluation of a person suspected by the court to be mentally retarded and recommend whether an order of commitment should be is used. Subsequent to an evaluation recommending admission, the hospital-school shall admit any person ordered admitted by the court.

ADMISSIONSMENTAL ILLNESS, SUBSTANCE ABUSE, MENTAL RETARDATIONINVOLUNTARY/MENTALLY RETARDED (cont'd)*Comment*

Pertinent legal reference: Section 222.31(3), Code of Iowa.

DAY TREATMENT - MENTALLY RETARDED/MENTALLY ILL*Policy*

A mental health institute or a hospital-school may admit a person for day treatment upon application by the person or their guardian. In the case of a hospital-school, a preadmission diagnostic evaluation is required prior to admission for service.

Comment

Day treatment is the admission of a person to the hospital treatment program who lives at home or in another facility. The superintendent can determine when and what services can be made available for day treatment without denying needed services to inpatients. The types of services include but are not limited to, group or individual therapy, medication supervision, milieu therapy, education, activities, or vocational rehabilitation.

Pertinent legal reference: Sections 229.14(3) and 222.13, Code of Iowa.

Procedure

A person wanting day treatment at a mental health institute completes form MH-1101-0, "Application for Outpatient Treatment".

An application for day treatment at a hospital-school follows the same procedure as for admission as an inpatient.

CERTIFICATE OF LEGAL SETTLEMENT*Policy*

Every person admitted or committed to a mental health institute or a state hospital-school shall have his/her legal settlement determined and identified in his/her institutional record.

ADMISSIONSMENTAL ILLNESS, SUBSTANCE ABUSE, MENTAL RETARDATIONCERTIFICATE OF LEGAL SETTLEMENT (cont'd)*Comment*

Persons who are admitted to a mental health institute or state hospital-school must have a determination of legal settlement made. The determination must be made so that the cost of care can be charged back to the person's county of legal settlement. When it is determined that a person does not have legal settlement in Iowa, the cost of care is a state expense.

This policy covers all types of admissions or commitments. The county of legal settlement is responsible for the cost of care. This also applies in instances of criminal action where a court orders a person committed for evaluation.

The court or board of supervisors should make a reasonable effort to determine where legal settlement is if not in their county. The Iowa Code gives them further responsibility to notify the other county of their determination.

Pertinent legal reference: Sections 222.61, 229.42, 125.43 and Section 230.2 and .3, Code of Iowa.

Procedure

Mentally Retarded - Voluntary The determination is made by the county board of supervisors, or their designee, of the county in which application is made. Their certification is made on the form MR-1101, "Application for Services to a State Hospital-School". (Section 222.61, Code of Iowa)

Mentally Retarded - Committed The determination is made by either the board of supervisors, or their designee, or the court and entered as a matter of record. The certification is made on the form MH-1101, "Application for Services to a State Hospital-School". (Section 222.61, Code of Iowa)

Mentally III-Voluntary The determination is made by the clerk of court to whom the application for authorization of voluntary admission is made. The determination is made prior to application for admission to the hospital. The certification is made to the institution on form MH-1103-0, "Authorization for Voluntary Admission to Public Hospital". (Section 229.42, Code of Iowa)

Substance Abuse - Voluntary The determination is made by the hospital at the time of admission. Notice is then given by the hospital to the Auditor of the county of legal settlement. (Section 125.43, Code of Iowa)

Mentally Ill or Substance Abuse - Committed The determination is made by the committing court and entered as part of the record. The court should include its finding in the court order.

ADMISSIONSMENTAL ILLNESS, SUBSTANCE ABUSE, MENTAL RETARDATIONCERTIFICATE OF LEGAL SETTLEMENT (cont'd)Without Certificate*Policy*

When a person is admitted without the required certificate of legal settlement the institution shall immediately contact, as appropriate, the clerk of court or the board of supervisors of the admitting county and request that a certificate be sent.

Comment

There are instances when persons appear for admission without the proper certification of legal settlement. In cases of persons being committed we still must honor the court order. In case of voluntary admission the admitting physician may determine the admission to be medically necessary. In either case, the admission can be made and the certificate obtained as soon as possible from the appropriate person.

Legal Settlement Unknown*Policy*

When it is determined by the clerk, the court, or the board of supervisors that a person's legal settlement is out of state or unknown, they shall contact the office of the Director of Mental Health, Mental Retardation and Developmental Disabilities to obtain approval for admission of the person at state expense. This contact may be by telephone if the person's needs indicate the need for prompt attention.

Comment

The person making the request is responsible to collect as much information as possible as to why legal settlement is not in Iowa and as to where it might be. The director has the right to require a written request.

Pertinent legal reference: Section 229.43, Code of Iowa

Procedure

Emergency - When it is determined that the person's condition requires prompt care, verbal approval/disapproval will be given the requesting person. The appropriate institution will be given verbal notification of any approvals, followed up by written notification.

ADMISSIONSMENTAL ILLNESS, SUBSTANCE ABUSE, MENTAL RETARDATIONCERTIFICATE OF LEGAL SETTLEMENT (cont'd)Legal Settlement Unknown (cont'd)*Procedure* (cont'd)

Non-emergency - When time permits the request will be made in writing to the director specifying the facts needed to determine the presence or absence of legal settlement. Approval or disapproval will be given promptly in writing with a copy to the appropriate institution.

Admit at State Expense*Policy*

Unless there is clear evidence that legal settlement is in an Iowa county, the director or his/her designee shall authorize admission of the person at state expense.

Comment

The guiding concern is to provide prompt treatment or care for the person. Any issues of legal settlement can be clarified after admission.

Pertinent legal reference: Section 230.5, Code of Iowa.

Institution Determine Legal Settlement*Policy*

Upon admission of a person at state expense, the institution shall collect sufficient information and determine whether or not legal settlement exists in Iowa. When it is determined the person does have legal settlement in Iowa, written notice shall be given to the county. When it is determined the person does not have legal settlement in Iowa, it shall be so noted in the person's hospital record.

Comment

The initial decision by the director is usually made with little information available. That decision is, in effect, a preliminary decision that needs to be verified. The referring person, the patient and the institution are in the best position to collect or provide the needed information. The institution, acting as the director's agent, is expected to collect as much information as possible to verify the original decision. If necessary, the institution should request assistance from other units of the department such as the local offices of the department.

ADMISSIONSMENTAL ILLNESS, SUBSTANCE ABUSE, MENTAL RETARDATIONCERTIFICATE OF LEGAL SETTLEMENT (cont'd)Without Prior Approval*Policy*

When a person is admitted at state expense without the prior approval of the director, the institution shall still determine whether or not legal settlement exists. If legal settlement exists, the county shall be notified. If there is no settlement, the institution shall request approval from the director for provision of care at state expense.

Comment

The director is responsible for approving a person's care at state expense. If approval hasn't been given prior to admission, it must be obtained after admission. The institution can always request assistance from the director's office in determining legal settlement.

Pertinent legal reference: Section 230.5, Code of Iowa.

Procedure

To obtain the director's approval, mental health institutes shall submit to the director's office in duplicate, MH-4102-0, "Request for Approval of Patient's Care at State Expense".

County Dispute*Policy*

Any county disputing a determination of legal settlement between itself and another county or itself and the director, shall notify the director of the dispute in writing.

Comment

Sections 222.70 and 230.12 provide a process for the settlement of disputes. The director is responsible for initiating that process so must be notified that a dispute exists.

Pertinent legal reference: Section 230.12, Code of Iowa.

Procedure

Mental health institutes notify the director of a dispute using form MH-4102-0, "Request for Approval of Patient Care at State Expense". Hospital-schools give notice by using an inter-office memo.

ADMISSIONSMENTAL ILLNESS, SUBSTANCE ABUSE, MENTAL RETARDATIONCERTIFICATE OF LEGAL SETTLEMENT (cont'd)Director To Settle*Policy*

The director or his/her designee will attempt to settle the dispute prior to requesting the Attorney General to initiate court action. If the dispute remains unresolved then a request shall be made to the Attorney General as provided in Sections 222.70 and 230.12, Code of Iowa.

Comment

Hopefully most disputes can be settled without court action.

CHIEF MEDICAL OFFICER'S REPORTS - MENTAL HEALTH INSTITUTES15 Day Report*Policy*

The chief medical officer of the hospital shall report to the court of commitment on the psychiatric condition of each person involuntarily admitted for evaluation no later than 15 days after admission.

Comment

The report states one of the following alternatives:

- A. That the patient does not require further treatment for serious mental impairment.
- B. That the patient is seriously mentally impaired and in need of full-time custody, care and treatment in a hospital, and is considered likely to benefit from treatment.
- C. That the patient is seriously mentally impaired and in need of treatment, but does not require full-time hospitalization, but needs outpatient care.
- D. The patient is seriously mentally impaired and in need of full-time custody and care, but is unlikely to benefit from further treatment in a hospital and recommends alternative placement.

Pertinent legal reference: Section 229.14(1), (2), (3) and (4).

ADMISSIONSMENTAL ILLNESS, SUBSTANCE ABUSE, MENTAL RETARDATIONCHIEF MEDICAL OFFICER'S REPORTS - MENTAL HEALTH INSTITUTES (cont'd)15 Day Report cont'd)*Procedure*

The report is made using Supreme Court Form 18.

30 and 60 Day Reports*Policy*

When the court orders continued hospitalization of a person, the chief medical officer shall submit a report to the court which entered the order within 30 days and at successive intervals of not more than every 60 days as long as hospitalization continues.

Comment

The report contains the following information:

- (1) The condition of the patient, whether improved, unchanged or deteriorated,
- (2) The additional length of time hospitalization will be required.

Two (2) copies of the report are filed with the Clerk of Court.

Pertinent legal reference: Sections 229.10 and 229.14, Code of Iowa.

Procedure

The report is made using Supreme Court Form 18a.

90 Day Report*Policy*

When the court orders outpatient treatment, the chief medical officer shall submit a report to the court as ordered by the court but in no case less than every 90 days.

Comment

The report contains the following information:

- (1) The condition of the patient, whether improved, unchanged or deteriorated.

ADMISSIONSMENTAL ILLNESS, SUBSTANCE ABUSE, MENTAL RETARDATIONCHIEF MEDICAL OFFICER'S REPORTS - MENTAL HEALTH INSTITUTES (cont'd)90 Day Report (cont'd)*Comment* (cont'd)

(2) The additional length of time outpatient treatment will be required.

Two copies of the report are filed with the Clerk of Court.

Pertinent legal reference: Sections 229.15(2), 229.10, 229.14, and 229.40, Code of Iowa.

Procedure

| This report is made using Supreme Court Form 18b.